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LAS VEGAS RESORT HOLDINGS, LLC

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

SONYA Z. DUEX,
Plaintiff,
v.

LAS VEGAS RESORT HOLDINGS, LLC
dba SAHARA LAS VEGAS, a Delaware
limited liability company, and ROES I-X,
inclusive,

Defendants.

Case No.: 2:20-cv-02073-APG-VCF

DEFENDANT'S ANSWER TO COMPLAINT

Defendant LAS VEGAS RESORT HOLDINGS, LLC ("Defendant") by and through its counsel of record, answers Plaintiff SONYA Z. DUEX'S ("Plaintiff") Complaint as follows:

1. Answering paragraph 1, Defendant admits that Plaintiff is a transgender woman. Defendant is without sufficient knowledge to form a belief as to the truth or falsity of the remaining allegations of paragraphs 1.
2. Answering paragraph 2, Defendant is without sufficient knowledge to form a belief as to the truth or falsity of the allegations.
3. Defendant denies the allegations of paragraph 3.
4. Answering paragraph 4, Defendant denies that it engaged in sex-based discrimination. Defendant is without sufficient knowledge to form a belief as to the truth or falsity of the allegations

1 of the remaining allegations of paragraph 4.

2 5. Defendant admits the allegations of paragraph 5.

3 6. Defendant admits the allegations of paragraph 6.

4 7. Defendant admits the allegations of paragraph 7.

5 8. Answering paragraph 8, Defendant is without sufficient knowledge to form a belief as
6 to the truth or falsity of the allegations.

7 9. Defendant admits the allegations of paragraph 9.

8 10. Answering paragraph 10, Defendant is without sufficient knowledge to form a belief
9 as to the truth or falsity of the allegations.

10 11. Defendant denies the allegations of paragraph 11.

11 12. Defendant admits the allegations of paragraph 12.

12 13. Defendant admits the allegations of paragraph 13.

13 14. Defendant admits the allegations of paragraph 14.

14 15. Answering paragraph 15, Defendant denies that Sahara denied Plaintiff coverage for
15 gender confirmation surgery. Defendant admits that Plaintiff was denied coverage for gender
16 confirmation surgery. Defendant is without sufficient knowledge to form a belief as to the truth or
17 falsity of the remaining allegations or paragraph 15.

18 16. Defendant denies the allegations of paragraph 16.

19 17. Defendants admits the allegations of paragraph 17.

20 18. Defendant admits the allegations of paragraph 18.

21 19. Defendant admits the allegations of paragraph 19.

22 20. Defendant admits the allegations of paragraph 20.

23 21. Defendant admits the allegations of paragraph 21.

24 22. Defendant admits the allegations of paragraph 22.

25 23. Defendant admits the allegations of paragraph 23.

26 24. Defendant is without sufficient knowledge to form a belief as to the truth or falsity of
27 the allegations set forth in paragraph 24.

1 25. Defendant is without sufficient knowledge to form a belief as to the truth or falsity of
2 the allegations set forth in paragraph 25.

3 26. Defendant admits the allegations of paragraph 26.

4 27. Defendant admits the allegations of paragraph 27.

5 28. Defendant is without sufficient knowledge to form a belief as to the truth or falsity of
6 the allegations set forth in paragraph 28.

7 29. Defendant admits the allegations of paragraph 29.

8 30. Defendant admits the allegations of paragraph 30.

9 31. Defendant admits the allegations of paragraph 31.

10 32. Defendant admits the allegations of paragraph 32, at the time of Plaintiff's
11 employment.

12 33. Defendant admits the allegations of paragraph 33.

13 34. Defendant admits the allegations of paragraph 34.

14 35. Defendant admits the allegations of paragraph 35.

15 36. Defendant is without sufficient knowledge to form a belief as to the truth or falsity of
16 the allegations set forth in paragraph 36.

17 37. Defendant is without sufficient knowledge to form a belief as to the truth or falsity of
18 the allegations set forth in paragraph 37.

19 38. Defendant is without sufficient knowledge to form a belief as to the truth or falsity of
20 the allegations set forth in paragraph 38.

21 39. Defendant is without sufficient knowledge to form a belief as to the truth or falsity of
22 the allegations set forth in paragraph 39.

23 40. Defendant is without sufficient knowledge to form a belief as to the truth or falsity of
24 the allegations set forth in paragraph 40.

25 41. Defendant is without sufficient knowledge to form a belief as to the truth or falsity of
26 the allegations set forth in paragraph 41.

27 42. Defendant admits the allegations of paragraph 42.

1 43. Defendant is without sufficient knowledge to form a belief as to the truth or falsity of
2 the allegations set forth in paragraph 43.

3 44. Defendant is without sufficient knowledge to form a belief as to the truth or falsity of
4 the allegations set forth in paragraph 44.

5 45. Defendant is without sufficient knowledge to form a belief as to the truth or falsity of
6 the allegations set forth in paragraph 45.

7 46. Defendant is without sufficient knowledge to form a belief as to the truth or falsity of
8 the allegations set forth in paragraph 46.

9 47. Defendant is without sufficient knowledge to form a belief as to the truth or falsity of
10 the allegations set forth in paragraph 47.

11 48. Defendant is without sufficient knowledge to form a belief as to the truth or falsity of
12 the allegations set forth in paragraph 48.

13 49. Defendant is without sufficient knowledge to form a belief as to the truth or falsity of
14 the allegations set forth in paragraph 49.

15 50. Defendant is without sufficient knowledge to form a belief as to the truth or falsity of
16 the allegations set forth in paragraph 50.

17 51. Defendant is without sufficient knowledge to form a belief as to the truth or falsity of
18 the allegations set forth in paragraph 51.

19 52. Defendant is without sufficient knowledge to form a belief as to the truth or falsity of
20 the allegations set forth in paragraph 52.

21 53. Defendant is without sufficient knowledge to form a belief as to the truth or falsity of
22 the allegations set forth in paragraph 53.

23 54. Defendant admits the allegations of paragraph 54.

24 55. Defendant is without sufficient knowledge to form a belief as to the truth or falsity of
25 the allegations set forth in paragraph 55.

26 56. Defendant is without sufficient knowledge to form a belief as to the truth or falsity of
27 the allegations set forth in paragraph 56.

1 57. Defendant is without sufficient knowledge to form a belief as to the truth or falsity of
2 the allegations set forth in paragraph 57.

3 58. Defendant is without sufficient knowledge to form a belief as to the truth or falsity of
4 the allegations set forth in paragraph 58.

5 59. Defendant is without sufficient knowledge to form a belief as to the truth or falsity of
6 the allegations set forth in paragraph 59.

7 60. Defendant is without sufficient knowledge to form a belief as to the truth or falsity of
8 the allegations set forth in paragraph 60.

9 61. Defendant is without sufficient knowledge to form a belief as to the truth or falsity of
10 the allegations set forth in paragraph 61.

11 62. Defendant is without sufficient knowledge to form a belief as to the truth or falsity of
12 the allegations set forth in paragraph 62.

13 63. Defendant is without sufficient knowledge to form a belief as to the truth or falsity of
14 the allegations set forth in paragraph 63.

15 64. Defendant is without sufficient knowledge to form a belief as to the truth or falsity of
16 the allegations set forth in paragraph 64.

17 65. Defendant is without sufficient knowledge to form a belief as to the truth or falsity of
18 the allegations set forth in paragraph 65.

19 66. Defendant is without sufficient knowledge to form a belief as to the truth or falsity of
20 the allegations set forth in paragraph 66.

21 67. Defendant is without sufficient knowledge to form a belief as to the truth or falsity of
22 the allegations set forth in paragraph 67.

23 68. Defendant is without sufficient knowledge to form a belief as to the truth or falsity of
24 the allegations set forth in paragraph 68.

25 69. Defendant is without sufficient knowledge to form a belief as to the truth or falsity of
26 the allegations set forth in paragraph 69.

1 70. Answering paragraph 70, Defendant denies that there is a discriminatory exclusion in
2 the policy. Defendant is without sufficient knowledge to form a belief as to the truth or falsity of the
3 remaining allegations set forth in paragraph 70.

4 71. Defendant is without sufficient knowledge to form a belief as to the truth or falsity of
5 the allegations set forth in paragraph 71.

6 72. Defendant is without sufficient knowledge to form a belief as to the truth or falsity of
7 the allegations set forth in paragraph 72.

8 73. Defendant is without sufficient knowledge to form a belief as to the truth or falsity of
9 the allegations set forth in paragraph 73.

10 74. Defendant is without sufficient knowledge to form a belief as to the truth or falsity of
11 the allegations set forth in paragraph 74.

12 75. Answering paragraph 75, Defendant denies that it made the decision to deny
13 coverage. Sahara admits the remaining allegations of paragraph 75.

14 76. Defendant is without sufficient knowledge to form a belief as to the truth or falsity of
15 the allegations set forth in paragraph 76.

16 77. Defendant is without sufficient knowledge to form a belief as to the truth or falsity of
17 the allegations set forth in paragraph 77.

18 78. Defendant is without sufficient knowledge to form a belief as to the truth or falsity of
19 the allegations set forth in paragraph 78.

20 79. Defendant is without sufficient knowledge to form a belief as to the truth or falsity of
21 the allegations set forth in paragraph 79.

22 80. Defendant is without sufficient knowledge to form a belief as to the truth or falsity of
23 the allegations set forth in paragraph 80.

24 81. Defendant is without sufficient knowledge to form a belief as to the truth or falsity of
25 the allegations set forth in paragraph 81.

26 82. Defendant is without sufficient knowledge to form a belief as to the truth or falsity of
27 the allegations set forth in paragraph 82.

28 83. Defendants admits the allegations of paragraph 83.

1 84. Answering paragraph 84, Defendant denies that it was unwilling to speak to Plaintiff
2 about her situation. Defendant is without sufficient knowledge to form a belief as to the truth or
3 falsity of the remaining allegations set forth in paragraph 84.

4 85. Defendant is without sufficient knowledge to form a belief as to the truth or falsity of
5 the allegations set forth in paragraph 85.

6 86. Defendant is without sufficient knowledge to form a belief as to the truth or falsity of
7 the allegations set forth in paragraph 86.

8 87. Answering paragraph 87, Defendant admits that in July 2020 Human Resources
9 Manager Ashley Rogers requested updated leave paperwork from Plaintiff. Defendant denies the
10 remaining allegations of paragraph 87.

11 88. Answering paragraph 88, Defendant denies alleged discriminatory treatment and
12 hostile environment, and denies that it would “seek a pretext to engage in retaliatory termination of”
13 Plaintiff’s employment. Defendant is without sufficient knowledge to form a belief as to the truth or
14 falsity of the remaining allegations set forth in paragraph 88.

15 89. Answering paragraph 89, Defendant admits that Plaintiff resigned on July 23, 2020.
16 Defendant denies that Plaintiff was constructively terminated, and denies that Plaintiff mitigated her
17 damages or preserved her “employability prospects” through resigning.

18 90. Defendant admits the allegations of paragraph 90.

19 91. Answering paragraph 91, Defendant denies any discriminatory employee benefits
20 practices.

21 92. Defendant admits the allegations of paragraph 92.

22 93. Defendant admits the allegations of paragraph 93.

23 94. Answering paragraph 94, Defendant incorporates its responses to paragraphs 1 to 93,
24 as though set forth in full herein.

25 95. Defendant admits the allegations of paragraph 95.

26 96. Defendant admits the allegations of paragraph 96.

27 97. Defendant admits the allegations of paragraph 97, during the time of Plaintiff’s
28 employment.

1 98. Defendant denies the allegations of paragraph 98.

2 99. Defendant denies the allegations of paragraph 99.

3 100. Defendant denies the allegations of paragraph 100.

4 101. Defendant denies the allegations of paragraph 101.

5 102. Defendant denies the allegations of paragraph 102.

6 103. Answering paragraph 103, Defendant incorporates its responses to paragraphs 1 to
7 102, as though set forth in full herein.

8 104. Defendant admits the allegations of paragraph 104.

9 105. Defendant admits the allegations of paragraph 105.

10 106. Defendant admits the allegations of paragraph 106, during the time of Plaintiff's
11 employment.

12 107. Defendant denies the allegations of paragraph 107.

13 108. Defendant denies the allegations of paragraph 108.

14 109. Defendant denies the allegations of paragraph 109.

15 110. Defendant denies the allegations of paragraph 110.

16 111. Defendant denies the allegations of paragraph 111.

17 **AFFIRMATIVE DEFENSES**

18 1. Plaintiff has failed to state claims upon which relief can be granted.

19 2. Plaintiff's claims are barred, all or in part, by laches, waiver, and/or estoppel.

20 3. Defendant presently has insufficient knowledge or information upon which to form a
21 belief as to whether it may have other, as yet unstated, defenses available. In the event further
22 investigation or discovery reveals the applicability of any additional defenses, Defendant reserves
23 the right to amend this Answer to specifically assert such additional affirmative.

24 Dated this 7th day December 2020.

25 SUSAN HILDEN, ESQ.

26 /s/Susan Heaney Hilden
27 Attorney for Defendant
28

CERTIFICATE OF SERVICE

The undersigned certifies that, on the 7th day of December 2020, a true and correct copy of the foregoing **DEFENDANT'S ANSWER TO PLAINTIFF'S COMPLAINT** was served on all persons registered for service in the Court's Electronic Filing system, including but not limited to:

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